

Yutaska Simpson - 10/26/04

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

OLIVIA Y, By and  
Through Her Next Friend,  
James D. Johnson, et al. PLAINTIFFS  
VS. CIVIL ACTION NO. 3:04CV25LN  
HALEY BARBOUR, As Governor  
Of the State of Mississippi;  
DONALD TAYLOR, as Executive  
Director of the Department of  
Human Services; and BILLY MANGOLD,  
As Director of the Division of  
Children's Services DEFENDANTS

DEPOSITION OF YUTASKA SIMPSON

Taken at the instance of the Defendant at the  
offices of Bradley Arant, LLP, One Jackson Place,  
188 E. Capitol Street, Suite 450, Jackson,  
Mississippi, on Thursday, October 26, 2004,  
beginning at approximately 1:04 p.m.

APPEARANCES:

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Also Present: Earl Scales, Office of Attorney  
General

Reported By: Julie Brown, CSR #1587  
Brooks Court Reporting  
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1 YUTASKA SIMPSON,

2 having been first duly sworn, was examined and

3 testified as follows:

4 EXAMINATION BY MR. THOMPSON:

5 Q. Good afternoon, Ms. Simpson.

6 A. Hi.

7 Q. My name is Eric Thompson. I'm one of the

8 attorneys from Children's Rights representing the

9 plaintiff in the matter of Olivia Y. Do you

10 understand that you're here to give sworn testimony

11 in that matter?

12 A. Yes.

13 Q. Just a couple of ground rules. If at any

14 point you don't understand a question that I ask,

15 please let me know. I'll try to rephrase it. If at

16 any point you wish to clarify a prior response, let

17 me know. We'll do that on the record. And if at

18 anytime you wish to take a break, please let us know

19 and we'll do that as well.

20 A. Okay.

21 Q. Ms. Simpson, have you done anything in

22 preparation for today's deposition?

23 A. No, no more than contacting the attorney,

24 getting directions, and asking the -- I know Earl

25 Scales from the Attorney General's Office, and I

2 (Pages 2 to 5)

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1 A. I can, but basically, if I look at it, I  
2 look at the orders of the court and any service  
3 plan.  
4 Q. And why would that be important to review  
5 those documents?  
6 A. To see what the client has been ordered  
7 to do. The case plan is what service and resources  
8 that the court or the investigator want the client  
9 to utilize. See how many children that's in care.  
10 See what their needs are. And basically, go on  
11 forward to make sure that we're in compliance with  
12 the service agreement and the orders of the court.  
13 Q. And once you take over responsibilities  
14 on a case, is it your regular practice to then  
15 document in the child's case record any information  
16 you receive about the child?  
17 A. We put it in -- we have a hard copy, but  
18 most of the information go on what we call MACWIS in  
19 a narrative. And it is my responsibility to  
20 document it.  
21 Q. And why is that documentation important?  
22 A. In order that if anything should happen  
23 or, you know, that there be someone to pick up and  
24 follow along. Or to see, make an assessment as any  
25 progress that have been made or not have been made.

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1 Q. In [REDACTED] County, has there been any  
2 recent turnover of staff among the caseworkers?  
3 A. I think we're about as probably the same,  
4 one or two more or less in the last year.  
5 Q. As part of the documentation, do you  
6 document all contacts you have with the child, for  
7 example?  
8 A. Yes.  
9 Q. Do you document all contacts you would  
10 have with the child's caretakers?  
11 A. Yes.  
12 Q. Would you document all contacts you have  
13 with collaterals on the case?  
14 A. Yes.  
15 Q. And why are those -- documenting those --  
16 why is documenting those contacts important?  
17 A. It's important -- it's important that --  
18 well, we have policy states we have to see a child  
19 at least once a month. And with the client, it's  
20 documenting any progress. And any collateral is  
21 documenting any resources that was utilized or, you  
22 know, linking the client to any services.  
23 Q. And is it your regular practice to also  
24 document any tasks that you complete on behalf or  
25 attempt on behalf of the child?

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1 A. Is it my practice to do?  
2 Q. Yes.  
3 A. Yes.  
4 Q. Do you also understand such documentation  
5 to be a DHS requirement?  
6 A. Yes.  
7 Q. Ms. Simpson, are you the assigned  
8 caseworker for the child [REDACTED]?  
9 A. Yes.  
10 Q. And if you recall, when were you assigned  
11 the case?  
12 A. I'm not sure of the exact date. If you  
13 have any transfer information, it would have been  
14 transferred to me by another worker.  
15 Q. Okay.  
16 (Exhibit 14 - Order, [REDACTED] County Youth  
17 Court marked for identification.)  
18 Q. I'm going to show you what's been marked  
19 Exhibit 14. Do you recognize this document?  
20 A. Yes, sir.  
21 Q. And what is it?  
22 A. It's an order from the [REDACTED] County  
23 Youth Court signed by Judge Sharon Segalus.  
24 Q. And is it in fact regarding the case of  
25 [REDACTED]?

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1 A. Yes, sir.  
2 Q. If you turn to page two, do you see your  
3 name listed there under those to receive a copy of  
4 the order?  
5 A. Yes, sir.  
6 Q. Is it fair to say that as the -- as of  
7 the date of this order, April 29th, 2003, you would  
8 have been the assigned caseworker? And again,  
9 directing you to the second page.  
10 A. I'm looking at who was in the courtroom.  
11 Brenda Coe, DHS social worker, and she's a  
12 supervisor.  
13 Q. Would --  
14 A. I don't --  
15 Q. Would Ms. Coe have been your supervisor  
16 at the time?  
17 A. No. I don't recall her ever being my  
18 supervisor.  
19 Q. Directing your attention again to page  
20 two.  
21 A. Uh-huh (affirmatively).  
22 Q. Would the fact that the copy of the order  
23 was being cc'd to your attention indicate that at  
24 the time the court recognized you as being -- having  
25 been assigned to this case?

6 (Pages 18 to 21)

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1 A. I'm going to be -- I hope it's safe to  
 2 say that I may have been assigned to the case.  
 3 Q. Well, looking at the date, April 29th,  
 4 2003, is that consistent with your recollection of  
 5 that you were assigned to the case at that time?  
 6 A. I guess I would say so, yes.  
 7 Q. Do you know why the case would have been  
 8 assigned to you?  
 9 A. The only reason it would have probably  
 10 been assigned to me if we had gone either to  
 11 generic -- no, I'm sorry -- specialized or that  
 12 worker had left.  
 13 Q. And why is that? I'm not sure I  
 14 understand.  
 15 A. When a worker leaves, the cases sometimes  
 16 are redistributed if there's no one to feel that --  
 17 you know, come right on in and work the case.  
 18 Q. Okay. Do you know how many caseworkers  
 19 have been on the case prior to your assignment to  
 20 the case?  
 21 A. I really don't know exactly, but I know  
 22 that I can only name two that I'm aware of.  
 23 Q. And who were those?  
 24 A. Gwen Beck and I think Chem Cunningham.  
 25 Q. Now, Ms. Beck was on the case when the

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1 child first came into custody; is that correct?  
 2 A. Yes.  
 3 Q. And at some point after that Ms.  
 4 Cunningham would have been assigned?  
 5 A. See, I'm not sure. At one point -- I  
 6 have to review the file to see, but I believe I've  
 7 seen Chem Cunningham's name in the -- in the  
 8 narratives. Also, Gloria Richardson who was a  
 9 supervisor.  
 10 Q. When you got the case though the child  
 11 was already in DHS custody, correct?  
 12 A. Yes, sir.  
 13 Q. Was there anything unusual about this  
 14 case or was it just assigned to you in the ordinary  
 15 course of business?  
 16 A. No. It was just assigned to me to work  
 17 it.  
 18 Q. And when you reviewed the case, did you  
 19 note anything unusual about the cause, or again, was  
 20 it was just one more case?  
 21 A. It was just one more case.  
 22 Q. So is it fair to say you handled it just  
 23 as you would any of your cases?  
 24 A. Yes.  
 25 Q. Now, are you aware that [REDACTED],

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1 [REDACTED] is a named plaintiff in the matter of Olivia Y,  
 2 the case in which you are currently testifying?  
 3 A. Okay. I'm not familiar. I know that  
 4 [REDACTED] was named.  
 5 Q. Okay. And when did you become aware that  
 6 he was named in this lawsuit?  
 7 A. I can't give you the exact date.  
 8 Q. Was it recently or was it shortly after  
 9 the lawsuit was filed in spring of this year, '04?  
 10 A. It was I guess spring of this year. I'm  
 11 not sure.  
 12 Q. In any event, since you became aware that  
 13 he was named in this lawsuit, have you treated his  
 14 case any differently from any of your others?  
 15 A. No.  
 16 Q. Has anybody at DHS asked you to treat  
 17 this case any differently than any of your other  
 18 cases?  
 19 A. No.  
 20 (Exhibit 15 - Court Report, [REDACTED]  
 21 County Youth Court marked for identification.)  
 22 Q. I'm showing you what's been marked  
 23 Exhibit 15. Do you recognize this document?  
 24 A. Yes, sir.  
 25 Q. And what is it?

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1 A. It's a court report for the [REDACTED]  
 2 County Youth Court.  
 3 Q. Did you prepare this document?  
 4 A. Yes, sir.  
 5 Q. And was it prepared for submission to the  
 6 youth court?  
 7 A. Yes, sir.  
 8 Q. What information did you base this report  
 9 on?  
 10 A. Working with the -- worked with the  
 11 client of the parents of [REDACTED], background  
 12 information that indicates, and any collateral if  
 13 any mentioned.  
 14 Q. Did you confer with your supervisor, Mr.  
 15 Matthews, when you prepared this document?  
 16 A. I can't answer this. I can't answer that  
 17 because he did not sign it and I don't know if he  
 18 had proofed the report before I -- it's protocol for  
 19 the supervisor to read the report and to approve it,  
 20 but his signature is not on it on this document. So  
 21 I'm not able to say that he indeed read this report  
 22 or that I staffed it with him.  
 23 Q. Do you know whether there's any  
 24 particular reason he would not have signed off on  
 25 this report?

7 (Pages 22 to 25)